

1 ZIEVE, BRODNAX & STEELE, LLP

2 J. Stephen Dolembro, Esq.

3 Nevada Bar No. 9795

4 9435 W. Russell Rd., Suite 120

5 Las Vegas, Nevada 89148

6 Tel: (702) 948-8565

7 Fax: (702) 446-9898

8 [swade@zbslaw.com](mailto:swade@zbslaw.com)

9 [sdolembro@zbslaw.com](mailto:sdolembro@zbslaw.com)

10 Attorneys for Plaintiff *The Bank of New York Mellon FKA The Bank of New York, As Trustee for*  
11 *the Certificateholders of CWALT Inc., Alternative Loan Trust 2005-46CB, Mortgage Pass-*  
12 *Through Certificates, Series 2005-46CB*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 THE BANK OF NEW YORK MELLON FKA  
16 THE BANK OF NEW YORK, AS TRUSTEE  
17 FOR THE CERTIFICATEHOLDERS OF  
18 CWALT INC., ALTERNATIVE LOAN  
19 TRUST 2005-46CB, MORTGAGE PASS-  
20 THROUGH CERTIFICATES, SERIES 2005-  
21 46CB, a national bank,

22 Plaintiff,

23 vs.

24 TIERRA DE LAS PALMAS OWNERS  
25 ASSOCIATION, a Nevada non-profit  
26 corporation; PRAIRIE FLOWER HOLDINGS,  
27 LLC, a Nevada limited liability company;  
28 VOULZWASBECK MENDIOLA, an  
individual; and MICHELLE B. SMITH, an  
individual,

Defendants.

Case No.: 2:17-cv-01989-MMD-GWF

**STIPULATED JUDGMENT**

Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT INC., ALTERNATIVE  
LOAN TRUST 2005-46CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-

1 46CB (hereinafter "Plaintiff"), by and through its attorney of record J. Stephen Dolembro, Esq. of  
2 Zieve Brodnax & Steele, LLP, and Defendant PRAIRIE FLOWER HOLDINGS, LLC, by and  
3 through its attorneys of record, Michael N. Beede, Esq. and James W. Fox, Esq. of The Law  
4 Office of Mike Beede, hereby stipulate and agree as follows:

5 IT IS HEREBY STIPULATED AND AGREED that Defendant Prairie Flower Holdings,  
6 LLC is hereby dismissed WITH PREJUDICE, each party to bear its own fees and costs.

7 IT IS HEREBY STIPULATED AND AGREED that Defendants other than Prairie  
8 Flower Holdings, LLC have been previously dismissed from this action and the Plaintiff's claims  
9 herein have been fully and finally resolved.

10 IT IS HEREBY STIPULATED AND AGREED that title to the Property commonly  
11 known as 2315 Little Italy Avenue, North Las Vegas, NV 89031 shall be quieted in favor of  
12 Prairie Flower Holdings, LLC.

13 IT IS HEREBY STIPULATED AND AGREED that none of Plaintiff, The Bank of New  
14 York Mellon nor non-party Bayview Loan Servicing, LLC have any present right, title or interest  
15 in the Property.

16  
17 IT IS SO STIPULATED AND AGREED.

18 Dated this 7th day of January, 2019.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ZIEVE BRODNAX & STEELE, LLP

THE LAW OFFICE OF MIKE BEEDE

/s/J. Stephen Dolembro, Esq.

/s/James W. Fox, Esq.

J. Stephen Dolembro, Esq.

Michael N. Beede, Esq.

Nevada Bar No. 9795

Nevada Bar No. 13068

9435 W. Russell Road, Suite 120

James W. Fox, Esq.

Las Vegas, NV 89148

Nevada Bar No. 13122

*Attorneys for Plaintiff The Bank of New York*

2470 St. Rose Pkwy., Suite 201

*Mellon FKA The Bank of New York, As*

Henderson, Nevada 89074

*Trustee for the Certificateholders of CWALT*

*Attorneys for Defendant Prairie Flower*

*Inc., Alternative Loan Trust 2005-46CB,*

*Holdings, LLC*

*Mortgage Pass-Through Certificates, Series*

*2005-46CB*

**Case No.: 2:17-cv-01989-MMD-GWF**

**ORDER OF DISMISSAL**

On this day the court considered the joint stipulation of dismissal submitted by Plaintiff The Bank of New York Mellon FKA The Bank of New York, As Trustee for the Certificateholders of CWALT Inc., Alternative Loan Trust 2005-46CB, Mortgage Pass-Through Certificates, Series 2005-46CB ("BNYM"), and Defendant Prairie Flower Holdings, LLC, and found that the parties' request has merit and should be **GRANTED**. It is therefore,

**ORDERED, ADJUDGED, and DECREED** all claims asserted by the parties, or that could have been asserted by the parties in this case are hereby dismissed with prejudice.

All costs are to be borne by the party incurring same.

That title to the Property commonly known as 2315 Little Italy Avenue, North Las Vegas, NV 89031 shall be quieted in favor of Prairie Flower Holdings, LLC.

Neither Bank of New York Mellon nor Bayview Loan Servicing, LLC have any present right, title or interest in the Property, and each shall be prohibited from asserting any claim to the property not hereafter acquired..

1 It is the intent of this court that this final judgment disposes of all claims against all  
2 parties in the above-styled and -numbered cause and this judgment be, and is, final for all  
3 purposes, including, but not limited to, appeal.

4 **IT IS SO ORDERED.**

5  
6 Dated this 7th day of January, 2019.



UNITED STATES DISTRICT COURT JUDGE

7  
8 Respectfully submitted:

9 ZIEVE, BRODNAX & STEELE, LLP

10 /s/J. Stephen Dolembro, Esq.

11 J. Stephen Dolembro, Esq.

12 Nevada Bar No. 9795

13 9435 W. Russell Rd., Suite 120

14 Las Vegas, Nevada 89148

15 [sdolembro@zbslaw.com](mailto:sdolembro@zbslaw.com)

16 Attorneys for *Plaintiff The Bank of New*  
17 *York Mellon FKA The Bank of New York,*  
*As Trustee for the Certificateholders of*  
*CWALT Inc., Alternative Loan Trust*  
*2005-46CB, Mortgage Pass-Through*  
*Certificates, Series 2005-46CB*

**CERTIFICATE OF SERVICE**

Pursuant to F.R.C.P. 5(b) and Electronic Filing Procedure IV(B), I certify that on the  
\_\_\_\_ 7th \_\_\_\_ day of January, 2019, a true and correct copy of the **STIPULATED JUDGMENT**  
was transmitted electronically through the Court's e-filing electronic notice system to the  
attorney(s) associated with this case.

Michael N. Beede  
[mike@legallv.com](mailto:mike@legallv.com)  
The Law Office of Mike Beede, PLLC  
2470 St. Rose Parkway Ste. 201  
Henderson, NV 89074  
*Attorney for Defendant, Prairie Flower Holdings, LLC*

/s/ Sara Hunsaker  
An Employee of ZIEVE, BRODNAX & STEELE, LLP